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Robertson, and S.S.

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **OAKLAND DIVISION**

10
11 IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
12 PRODUCTS LIABILITY LITIGATION

No. 4:22-md-03047-YGR
MDL No. 3047

13 This Document Relates to:
14

**CONSOLIDATED ADDENDUM TO
PLAINTIFFS' SHORT-FORM COMPLAINTS
STATING CLAIMS AGAINST
MARK ZUCKERBERG**

15 *Baker* (4:23-cv-01578);
B.B. (4:23-cv-03032);
16 *Booker* (4:23-cv-01537);
C.G. (4:23-cv-01568);
17 *C.S.* (4:23-cv-01569);
Calvoni (4:22-cv-05873);
18 *Cameron* (4:23-cv-03266);
Cusato (4:23-cv-04961);
19 *D.S.* (4:23-cv-03402);
Dodd (4:23-cv-01583);
20 *Dowdy* (4:23-cv-01866);
Garneau (4:23-cv-04962);
21 *Haas* (4:23-cv-01565);
22 *Hirka* (4:23-cv-03906);
J.F. (4:23-cv-01846);
23 *Jackson* (4:23-cv-03774);
Jansky (4:23-cv-02026);
24 *K.C.* (4:23-cv-03179);
Keizer (4:23-cv-02972);
25 *Koizol* (4:23-cv-02244);
M.C. (4:23-cv-03398);
26 *M.M.* (4:23-cv-01615);
N.K. (4:23-cv-01584);
27 *Robertson* (4:24-cv-00127);
S.S. (4:23-cv-02024).

Judge Yvonne Gonzalez Rogers

[REDACTED]

1 1. Pursuant to the Court’s Order Granting Defendant Mark Elliot Zuckerberg’s Motion
 2 to Dismiss with Leave to Amend, ECF 753, the twenty-five Plaintiffs stating claims against Mark
 3 Zuckerberg¹ respectfully submit the following consolidated addendum to their short-form complaints.

4 2. In their short-form complaints, Plaintiffs reallege against Mark Zuckerberg—Meta’s
 5 founder, Board Chairman, Chief Executive Officer, and controlling shareholder—“each and every
 6 allegation against Meta contained in” the fraudulent and negligent concealment and
 7 misrepresentation-by-omission counts in the Second Amended Master Complaint, ECF 494
 8 (“SAMC”), ¶¶ 976-99.² *See, e.g., Baker SFC* (No. 4:23-cv-01578) at 3, 10.

9 3. Through those counts, Plaintiffs allege that Meta: (1) knew that Instagram and
 10 Facebook pose serious health risks to users, most especially youth, SAMC ¶ 979, 990; (2) was under a
 11 duty to disclose the defective condition of its platforms and breached that duty both by failing to
 12 disclose these risks and concealing them via misleading statements, SAMC ¶¶ 979-80, 991-93; and (3)
 13 prevented Plaintiffs from learning about the defective nature of the product by way of its material
 14 omissions and concealment, causing Plaintiffs’ injuries, SAMC ¶¶ 985-86, 994-97.

15 4. In addition, through their short-form complaints and this addendum, Plaintiffs allege
 16 that Mr. Zuckerberg himself directed, participated in, knew of, and in fact served as the guiding spirit
 17 behind Meta’s tortious concealment and omissions.

18 5. Mr. Zuckerberg has enjoyed control over Facebook (now Meta) since its inception.
 19 His status as controlling shareholder, Founder, and CEO means that, for all practical purposes, he

22 ¹ *Baker SFC* (No. 4:23-cv-01578); *B.B. SFC* (No. 4:23-cv-03032); *Booker SFC* (No. 4:23-
 23 cv-01537); *C.G. SFC* (No. 4:23-cv-01568); *C.S. SFC* (No. 4:23-cv-01569); *Calvoni SFC* (No. 4:22-cv-
 24 05873); *Cameron SFC* (No. 4:23-cv-03266); *Cusato SFC* (No. 4:23-cv-04961); *D.S. SFC* (No. 4:23-cv-
 25 03402); *Dodd SFC* (No. 4:23-cv-01583); *Dowdy SFC* (No. 4:23-cv-01866); *Garneau SFC* (No. 4:23-cv-
 26 04962); *Haas SFC* (No. 4:23-cv-01565); *Hirka SFC* (No. 4:23-cv-03906); *J.F. SFC* (No. 4:23-cv-01846);
 27 *Jackson SFC* (No. 4:23-cv-03774); *Jansky SFC* (No. 4:23-cv-02026); *K.C. SFC* (No. 4:23-cv-03179); *Keizer SFC* (No. 4:23-cv-02972); *Koizol SFC* (No. 4:23-cv-02244); *M.C. SFC* (No. 4:23-cv-03398); *M.M. SFC* (No. 4:23-cv-01615); *N.K. SFC* (No. 4:23-cv-01584); *Robertson SFC* (No. 4:24-cv-00127); *S.S. SFC* (No. 4:23-cv-02024).

28 ² Meta Platforms and its subsidiaries (herein referred to as “Meta”) are a multinational technology conglomerate described at ¶¶ 26-33 of the Personal Injury Plaintiffs’ Second Amended Master Complaint, ECF 494.

1 determines Meta's priorities, allocates financial and human resources to execute those priorities, and
 2 directs the day-to-day operation seeing through those priorities.

3 6. Because of Mr. Zuckerberg's controlling stake, Meta differs from most other public
 4 companies in that its "shareholders cannot hold management accountable."³ Indeed, Mr. Zuckerberg
 5 retains the "ability to control the outcome of all matters submitted to [Meta's] stockholders for
 6 approval."⁴ He is able "to control the management and major strategic investments of [the] company"
 7 in part because of "his ability to control the election or, in some cases, the replacement of [Meta's]
 8 directors."⁵

9 7. Mr. Zuckerberg's unique level of control over Meta has allowed him to roll the dice
 10 with his company's resources on passion projects, like building the "Metaverse"—even at the dismay
 11 of shareholders.⁶ It has also allowed Mr. Zuckerberg to squelch shareholder proposals that would
 12 directly impact and improve child safety. For example, a shareholder proposal last year requested that
 13 Meta's Board "adopt[] targets and publish[] annually a report . . . that includes quantitative metrics
 14 appropriate to assessing whether Meta has improved its performance globally regarding child safety
 15 impacts and actual harm reduction to children on its platforms."⁷ Given Mr. Zuckerberg's voting
 16 power, Meta's "recommendation" that shareholders oppose the proposal unsurprisingly won the day.⁸

17 8. As described below, Mr. Zuckerberg participated in, cooperated in, sanctioned, and
 18 directed Meta's fraudulent and negligent concealment and omissions. That is not only egregious, it is
 19 actionable, given Mr. Zuckerberg's position of power and control over Meta and its associated social
 20 media platforms (including Instagram and Facebook). Mr. Zuckerberg had the opportunity to tell
 21

22 ³ Meta Platforms, Inc., Proxy Statement (Schedule 14A), at 81 (April 19, 2024);

23 ⁴ Meta Platforms, Inc., Annual Report Form (10-K), at 38 (Feb. 2, 2024); *see also* Meta
 24 Platforms, Inc., Proxy Statement (Schedule 14A), at 78 (April 19, 2024) (listing Mark Zuckerberg's total
 voting power as 61%).

25 ⁵ *Id.*

26 ⁶ *See* Dave Lee, *Just How Deep Is Mark Zuckerberg's Metaverse Money Pit?*, Bloomberg (July 31,
 2023), <https://www.bloomberg.com/opinion/articles/2023-07-31/just-how-deep-is-mark-zuckerberg-s-metaverse-money-pit>.

27 ⁷ Meta Platforms, Inc. Proxy Statement (Schedule 14A), at 88-90 (April 14, 2023).

28 ⁸ Rachyl Jones, *Mark Zuckerberg's Voting Stake Renders Shareholders Powerless*, Observer (June 1,
 2023), <https://observer.com/2023/06/mark-zuckerberg-2023-shareholder-meeting/>

1 Plaintiffs and the public at large about the risk of harm those platforms presented to minors (including
 2 Plaintiffs). He rejected those opportunities.

3 * * *

4 9. Mr. Zuckerberg's personal history is inextricable from the story of Facebook and
 5 Meta. From an early age, Mr. Zuckerberg's parents fostered his interest in computers, hiring him a
 6 private programming tutor when he was just eleven years old. His talents flourished, and by his senior
 7 year AOL and Microsoft had offered to hire him and to purchase his class project called "Synapse,"
 8 a music recommendation program that learned users' listening habits.⁹

9 10. Instead of taking one of those lucrative job offers, Mr. Zuckerberg enrolled at Harvard
 10 where he majored in psychology.¹⁰ Mr. Zuckerberg launched two public-facing programs in his
 11 sophomore year that, like Synapse, centered on users' behaviors or interests. "CourseMatch" allowed
 12 students to select classes based on other students' selections.¹¹ More controversially, "Facemash"
 13 invited users to compare side-by-side photos of women students at Harvard and rank their
 14 attractiveness. When interviewed about it, Mr. Zuckerberg had little to say to defend the ethics of his
 15 endeavor, offering instead: "I'm a programmer and I'm interested in the algorithms and math behind
 16 it." SAMC ¶ 186.

17 11. After narrowly avoiding expulsion, Mr. Zuckerberg began writing code for a new
 18 website, thefacebook.com. *Id.* The Harvard-only launch in February 2004 was a hit,¹² and Mr.
 19 Zuckerberg boasted to a friend that he had access to "over 4000 emails, pictures, [and] addresses" of
 20 Harvard students because "people just submitted it / I don't know why / they 'trust me' / dumb
 21
 22
 23

24 ⁹ See Jose Antonio Vargas, *The Face of Facebook*, New Yorker (Sept. 13, 2010),
 25 <https://www.newyorker.com/magazine/2010/09/20/the-face-of-facebook>.

26 ¹⁰ Sarah Phillips, *A Brief History of Facebook*, The Guardian (July 25, 2007),
<https://www.theguardian.com/technology/2007/jul/25/media.newmedia>.

27 ¹¹ Vargas, *supra* note 9.

28 ¹² Jillian D'Onfro, *Facebook's News Feed Is 10 Years Old. This Is How the Site Has Changed*, World
 Econ. Forum (Sept. 9, 2016), <https://www.weforum.org/agenda/2016/09/facebook-news-feed-is-10-years-old-this-is-how-the-site-has-changed/>.

1 fucks.”¹³ Accordingly, on theFacebook’s masthead, Mr. Zuckerberg identified himself as “Master and
 2 Commander,” and “Enemy of the State” in addition to “Founder.”¹⁴

3 12. Over the coming months, Mr. Zuckerberg aggressively pursued expansion, bringing
 4 theFacebook to other college campuses and relocating his team to Palo Alto in less than a year. By
 5 the end of 2005, Mr. Zuckerberg had dropped out of Harvard and expanded Facebook’s reach to
 6 thousands of colleges and high schools across the globe (and dropped “the” from its name).¹⁵ SAMC
 7 ¶ 187. In a 2005 interview, Mr. Zuckerberg responded to a question about advertising revenues by
 8 emphasizing his focus on designing for engagement: “we’re more focused on just building on the site
 9 and building features, and I mean right now almost 70% of our users come back every day which is
 10 kind of ridiculous, and I mean if we can keep that up for any period of that time then that’s
 11 awesome . . . so that’s the focus now.”¹⁶ On September 26, 2006, Facebook became available to
 12 everyone with a valid email address, not just high school and college students.¹⁷

13 13. Since the inception of theFacebook, Mr. Zuckerberg has zealously and ruthlessly
 14 squeezed out his competition. For instance, when another social network gained traction at a college
 15 theFacebook was targeting, Mr. Zuckerberg would declare a “‘lockdown,’ during which everyone was
 16 expected to work near-nonstop until Facebook had finished building whatever features it considered
 17 necessary to blunt the threat.”¹⁸ That behavior has persisted, and worsened, over time. Years later,
 18 after rumors surfaced that Google would launch a social network, Mr. Zuckerberg addressed the
 19 competitive threat by telling employees “*Carthago delenda est.*,” (Carthage must be destroyed) and
 20 directing a “two-month sprint,” to develop Facebook’s Groups and Events features.¹⁹

21
 22

¹³ Vargas, *supra* note 9.

23 ¹⁴ D’Onfro, *supra* note 12.

24 ¹⁵ Vargas, *supra* note 9.

25 ¹⁶ Vator, *Bambi Francisco Interviews Mark Zuckerberg in 2005*, at 3:02 (2005) Youtube,
<https://www.youtube.com/watch?v=A4erAm-cJbg>.

26 ¹⁷ *Facebook Expansion Enables More People to Connect with Friends in a Trusted Environment*, Meta
 27 (Sept. 26, 2006), <https://about.fb.com/news/2006/09/facebook-expansion-enables-more-people-to-connect-with-friends-in-a-trusted-environment/>.

28 ¹⁸ Jeff Horwitz, *Broken Code* 25 (2023).

19 ¹⁹ Horwitz, *supra* note 18.

1 14. Mr. Zuckerberg's fear of competitors was a consistent motivation behind developing
 2 ever-more engaging products. One Facebook employee recalled that "Mark viewed Snapchat like
 3 Ronald Reagan viewed the Berlin Wall."²⁰

4 15. Mr. Zuckerberg's passion for eliminating his rivals has been surpassed only by his
 5 desire to have his products "consume as much . . . [user] time and conscious attention as possible."²¹
 6 Facebook's first significant step in this direction was the fall 2006 launch of the Newsfeed, a
 7 centralized homepage to view friends' online activity. The Newsfeed algorithm was optimized to
 8 maximize the length of user sessions (and later modified to maximize the frequency of sessions).
 9 SAMC ¶ 195. Since the launch of that feature through the present, Mr. Zuckerberg set ambitious
 10 usage goals for his platforms. In 2014, he declared that Facebook should seek 10 percent annual usage
 11 growth in perpetuity.²² In December 2015, he upped this goal to 12 percent, and specified that for
 12 Instagram, the goal should be to increase usage by 10 percent between 2016-2021.²³

13 16. Since the founding of Facebook, Mr. Zuckerberg has maintained close control over
 14 key design decisions and served as an interlocutor with the public about those functionality changes.²⁴
 15 For example, after the launch of Newsfeed faced criticism related to privacy concerns, Mr. Zuckerberg
 16
 17

18 ²⁰ Horwitz, *supra* note 18.

19 ²¹ Alex Hern, *Never Get High on Your Own Supply—Why Social Media Bosses Don't Use Social Media*,
 20 The Guardian (Jan. 23, 2018), <https://www.theguardian.com/media/2018/jan/23/never-get-high-on-your-own-supply-why-social-media-bosses-dont-use-social-media>.

21 ²² Horwitz, *supra* note 18, at 26.

22 ²³ Complaint for Injunctive and Other Relief, at ¶ 143, *State of Arizona et al. v. Meta Platforms, Inc., et al.*, No. 4:23-cv-05448, (N.D. Cal. Nov. 22, 2023), ECF No. 73-2. Subsequent references to the
 23 Multistate Attorneys General Complaint are indicated as "AG ¶ _".

24 ²⁴ See, e.g., Mark Zuckerberg, *Thoughts on Beacon*, Facebook: The Facebook Blog (Dec. 5, 2007) [https://web.archive.org/web/20090618153523/http://blog.facebook.com/blog.php?blog_id=company&blogger=4] ("[W]e've made a lot of mistakes building this feature . . . we
 25 appreciate all the feedback we have received from our users."); Mark Zuckerberg, *Thoughts on the Evolution of Facebook*, Facebook: The Facebook Blog (Sept. 18, 2008) [https://web.archive.org/web/20090618153523/http://blog.facebook.com/blog.php?blog_id=company&blogger=4] ("With this [new design] release, we've worked harder to get more feedback about what we can improve."); Mark Zuckerberg, *Facebook Across the Web*, Facebook: The Facebook Blog (Dec. 4, 2008) [https://web.archive.org/web/20090618153523/http://blog.facebook.com/blog.php?blog_id=company&blogger=4] ("Starting today, you'll see prompts for Facebook Connect at websites across the Internet. . . .").

1 personally responded with a post entitled “Calm down. Breathe. We hear you.”²⁵ And several days
 2 later, he posted an open letter stating, “we have been coding non-stop for two days to get you better
 3 privacy controls.”²⁶

4 17. Further, Mr. Zuckerberg’s unrelenting focus on increasing user engagement is
 5 reflected in hallmarks of Meta’s products. For example, after initially vetoing a team’s months-long
 6 effort to develop an “awesome button,” in 2007, he renamed it the “like” button and approved its
 7 implementation in two years later, after data demonstrated that “popular posts with the button
 8 prompted more interactions than those without.”²⁷

9 18. In 2016, Mr. Zuckerberg’s attentiveness to the minutiae of platform design turned to
 10 teen usage with a unique focus on Instagram, the platform Mr. Zuckerberg had purchased in 2012 for
 11 \$1 billion (double its valuation) to reach a younger, smartphone-oriented audience. SAMC ¶¶ 209-13.
 12 In a long February 2016 email regarding “Opportunities for Teens and sharing.” Mr. Zuckerberg
 13 meticulously analyzed various existing functionalities [REDACTED]

14 [REDACTED]²⁸ [REDACTED]
 15 [REDACTED]
 16 [REDACTED]²⁹ AG ¶ 144. [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]³⁰ Around the [REDACTED]

22 ²⁵ Mark Zuckerberg, *Calm Down. Breathe. We hear you.*, Facebook: The Facebook Blog (Sept. 5,
 23 2006) [https://web.archive.org/web/20090618153523/http://blog.facebook.com/blog.php?blog_id=company&blogger=4].

24 ²⁶ Mark Sweeney, *Facebook Founder Apologises for ‘Messing Up’*, The Guardian (Sept. 8, 2006),
 25 <https://www.theguardian.com/technology/2006/sep/08/news.newmedia1>.

26 ²⁷ Will Oremus, *How Facebook Designed the Like Button—and Made Social Media into a Popularity
 27 Contest*, Fast Co. (Nov. 15, 2022), <https://www.fastcompany.com/90780140/the-inside-story-of-how-facebook-designed-the-likebutton-and-made-social-media-into-a-popularity-contest>.

28 ²⁸ META3047MDL-003-00133769.

29 ²⁹ META3047MDL-003-00134794.

30 ³⁰ META3047MDL-003-00134688 at 00134705.

1 same time, a product executive told Mr. Zuckerberg that 70 percent of trial users of a forthcoming
 2 live video feature were high-school aged,³¹ and internal data showed that such videos were shared and
 3 commented on more often and viewed longer than standard videos. Mr. Zuckerberg acted swiftly,
 4 increasing the staff of the responsible team by 800% and ordering them to spend months in lockdown
 5 until “Facebook Live” was ready to launch.³²

6 19. Unfortunately, Mr. Zuckerberg’s awareness of and attentiveness to youth
 7 “engagement” on his platforms has not extended to concern for their safety—despite his knowledge
 8 of serious risks. In April 2017, [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]³³

14 20. Mr. Zuckerberg’s denial of this and similar resource requests is disturbing in light of
 15 the additional, ample additional warning signs he received. For instance, in late 2016, Mr. Zuckerberg
 16 participated in a Q&A at which a mother raised a question about her daughter feeling worse about
 17 herself after using Instagram. Following the event, a Meta researcher sent an email to Zuckerberg
 18 stating, “thought you’d be interested in some of the relevant research our team’s done on social
 19 comparison” showing that ‘4% of feed stories trigger negative social comparison’ that in the past
 20 month, “39% of Facebook users felt” negative social comparison, and that [REDACTED]
 21 [REDACTED]
 22 [REDACTED]³⁴ AG ¶ 416.

23
 24 _____
 25 ³¹ Michelle Castillo, *Mark Zuckerberg Put Employees on Lockdown’ for Two Months to*
Launch Facebook Live: Report, CNBC (Mar. 6, 2017), <https://www.cnbc.com/2017/03/06/zuckerberg-put-employees-on-lockdown-to-launch-facebook-live-wsj.html>.

26 ³² Joe Lanzauskas, *The Untold Story of Facebook Live*, Fast CO. (Sept. 29, 2016),
<https://www.fastcompany.com/3064182/the-untold-story-of-facebook-live>.

27 ³³ META3047MDL-003-00136741.

28 ³⁴ META3047MDL-003-00134218.

1 21. Yet Mr. Zuckerberg's prioritization of profits over safety remained unchanged. In late
 2 2017, high-ranking executives at Meta emailed one another in active disagreement about whether to
 3 increase the quantity of notifications sent to users to boost engagement, even if it worsened user
 4 experience. The conversation ended with confirmation that daily active users "[was] a bigger concern
 5 for Mark . . . than user experience." AG ¶ 318-22.

6 22. Since 2017 through the present, Mr. Zuckerberg has taken positions in public about
 7 the safety of Instagram and Facebook that are at odds with the realities secretly known to him and
 8 others at Meta. For instance, in January 2018 [REDACTED]

9 [REDACTED] Mr. Zuckerberg publicly stated that the company
 10 was "focused on making sure Facebook isn't just fun to use, but also good for people's wellbeing."
 11 AG ¶ 222.

12 23. That same month, he received (at least) two shocking reports. One estimated that there
 13 were some four million children under thirteen years old on Instagram. AG ¶ 657. The other found
 14 that increased use of Facebook among 10- to 12-year-old girls "was linked with body image concerns,
 15 the idealization of thinness, and increased dieting." SAMC ¶ 102. Mr. Zuckerberg could have, but did
 16 not, share any of this information with the public.

17 24. Instead, in April 2018, Mr. Zuckerberg testified to Congress that Meta had "a number
 18 of measures in place to protect minors specifically. We make it so that adults can't contact minors who
 19 they - they aren't already friends with. We make it so that certain content that may be inappropriate for
 20 minors, we don't show." SAMC ¶ 370(b). Mr. Zuckerberg knew that the reality was messier, and that
 21 the risks to children were real and significant. Yet he said not a word about these problems.

22 25. Nor did Mr. Zuckerberg inform the public or his user base about increasing awareness
 23 of the potential for platform addiction. An internal 2017 Meta study indicated a prominent addiction
 24 issue on Facebook. Researchers found that in a given week, about 5.9 million people leave Facebook
 25 because "they spent too much time" or were taking a break and "planned to return," and found that,
 26 compared to users generally, this subset of people had more sessions per day, received more
 27 notifications, and had a faster response time to notifications. SAMC ¶ 298.

28

1 26. Yet Mr. Zuckerberg said nothing about these findings when he was asked in 2018
 2 whether his companies “[h]ire consulting firms to help them figure out how to get more dopamine
 3 feedback loops so that people don’t want to leave the platform,” despite Meta’s addiction inquiry—
 4 and whatever precipitated it—Mr. Zuckerberg simply responded: “No . . . that’s not how we talk about
 5 this or how we set up our product teams. We want our products to be valuable to people, and if they’re
 6 valuable, then people choose to use them.” SAMC ¶ 370(c). This narrative of user “choice” was belied
 7 by Facebook’s own research demonstrating that millions of users felt unable to control their levels of
 8 usage. Indeed, early Facebook collaborator Sean Parker has commented that the “inventors” of Meta’s
 9 applications understood that they were “exploiting a vulnerability in human psychology” and “did it
 10 anyway.” SAMC ¶ 261.

11 27. A few months later, a July 2018 study of “problematic use” of Facebook reinforced
 12 the issue. The study focused on individuals who experienced “[s]erious problems with sleep, work or
 13 relationship that they attribute to Facebook AND concerns or preoccupations about how they use
 14 Facebook (e.g., a fear of missing out (FOMO) or lack of control).” Although the researchers did not
 15 target the heaviest Facebook users, the study found that up to 5 percent of teens aged 13-20 were
 16 “problematic users.” SAMC ¶¶ 298-99.

17 28. Despite these troubling facts, in the months following, Mr. Zuckerberg again publicly
 18 touted Meta’s responsibilities to “to keep people safe” and prevent users from abusing the service,³⁵
 19 and boasted that more than 30,000 Meta employees worked on safety and security. SAMC ¶ 370(i).

20 29. Meta’s evaluations continued, and in April 2019, internal researchers “directly told
 21 Zuckerberg that passive consumption of social media content, including scrolling, browsing, and
 22 watching videos, is associated with negative effects on well-being.” AG ¶ 417. Meta’s Vice President
 23 of Research emailed Mr. Zuckerberg that same month proposing investments in well-being on

24 35 SAMC ¶ 370(e) (“Zuckerberg (7/25/2018): [W]e will continue to invest heavily in security
 25 and privacy because we have a responsibility to keep people safe. But as I’ve said on past calls, we’re
 26 investing so much in security that it will significantly impact our profitability.”); *Id.* ¶ 370(f)
 27 (“Zuckerberg (8/21/2018): One of the most important responsibilities we have as a company is to
 28 keep people safe and stop anyone from abusing our service.”); *Id.* ¶ 370(g) (“What I’ve learned so far
 is that when you build services that are used by billions of people across countries and cultures, you
 will see all of the good humanity is capable of, and people will try to abuse those services in every way
 possible. It is our responsibility to amplify the good and mitigate the bad.”).

1 Instagram and Facebook given “increasing scientific evidence (particularly in the U.S. . . .) that the
 2 average net effect of [Facebook] on people’s well-being is slightly negative.” AG ¶ 613. [REDACTED]
 3 [REDACTED]
 4 [REDACTED]³⁶

5 Meanwhile, Mr. Zuckerberg posted to users: “You should expect we’ll do everything we can to keep
 6 you safe on our services.” SAMC ¶ 370(l).

7 30. In August 2019, Mr. Zuckerberg met with a psychologist and leading expert on the
 8 mental health effects of social media on young people. The expert expressly warned Mr. Zuckerberg
 9 that Instagram and other social media products have been a major contributor to the spike in “rates
 10 of teenage anxiety, depression, and self-harm,” and that true experiments “strongly indicate causation,
 11 not just correlation” between social media use and teen mental health. SAMC ¶¶ 185, 365, 993. And
 12 in November 2019, an internal Meta report showed that social media “can and does attenuate or
 13 exacerbate a user’s experience with mental health issues” and “a sizable proportion of [Instagram]
 14 users (under a third) think we make issues related to mental health worse.” AG ¶ 557-58.

15 31. Resourcing and staffing teams at Meta to address these issues was squarely within Mr.
 16 Zuckerberg’s power. [REDACTED]
 17 [REDACTED]
 18 [REDACTED]

19 [REDACTED]³⁷ But by late 2019, Meta’s “mental health team stopped doing things,” “it was defunded” and
 20 “completely stopped.” SAMC ¶ 366.³⁸

21 32. Similarly, in April 2020, Mr. Zuckerberg intervened in a Vice President of Product
 22 Design’s proposed implementation of a ban on camera filters simulating plastic surgery. Despite near-
 23 unanimous support from consultation with 21 independent experts, and academic research on the
 24 subject, Mr. Zuckerberg ultimately vetoed the proposal (opting to lift the ban). He justified his position
 25 by calling the ban [REDACTED]

26 _____
 27 ³⁶ META3047MDL-006-00000094.
 28 ³⁷ META3047MDL-003-00149580 (emphasis added).

³⁸ See also META3047MDL-003-00103260 (

[REDACTED]).

1 [REDACTED] ³⁹ AG

2 ¶ 342-60.

3 33. Despite the revelations from external and internal research in 2019, Mr. Zuckerberg
4 and Meta offered misleading statements on social media addiction and teen well-being issues that
5 omitted the truth about their products' addictive designs and risks of harm:

6 a. "Asked in a November 2020 Congressional hearing, 'Do you believe your
7 product can be addictive?' Mr. Zuckerberg responded, 'We certainly do not
8 design the product in that way.'"⁴⁰

9 b. In December 2020 responses to questions from a Senate committee, Meta
10 denied that it could determine whether increased use of its platform among
11 teenage girls has any correlation with increased signs of depression or anxiety.
12 SAMC ¶ 370(o).

13 c. Despite being given talking points on the negative effects of passive
14 consumption on mental health, in response to a question asking whether
15 passive consumption of social media harms mental health, Mr. Zuckerberg told
16 Congress in March 2021 that the "research we have seen is that using social
17 apps to connect with other people can have positive mental health benefits and
18 well-being benefits." AG ¶ 419.

19 d. At the same hearing, when asked by members of the U.S. House of
20 Representatives Committee on Energy and Commerce, "Do you believe that
21 your platform harms children?" Mr. Zuckerberg responded, "I don't believe so.
22 This is something that we study and we care a lot about; designing products
23 that improve peoples' well-being is very important to us. And what our
24 products do is help people stay connected to people they care about, which I

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27 ³⁹ META 3047MDL-003-00178189.28 ⁴⁰ *Breaking the News: Censorship, Suppression, and the 2020 Election: Hearing Before the S. Comm. on the
Jud.*, 116 Cong. (2020) (Statement of Mark Zuckerberg).

1 think is one of the most fundamental and important human things that we do,
 2 whether that's for teens or for people who are older than that." SAMC ¶ 370(p).

3 e. Mr. Zuckerberg went on to deny that Meta "make[s] money off creating an
 4 addiction to [its] platforms" and that Meta's teams "have goals[] of trying to
 5 increase the amount of time that people spend [using Meta's Platforms]." AG
 6 ¶ 191.

7 f. Mr. Zuckerberg also told Congress: "We have additional systems that try to
 8 determine what someone's age might be so if we detect that someone might be
 9 under the age of 13, even if they lied, we kicked them off." A Meta employee
 10 later clarified: "Oof. This statement that Mark made isn't accurate. We don't
 11 have u13 [under 13] models today." AG ¶ 770.

12 34. In a written question for the record, Senators Richard Blumenthal and Marsha
 13 Blackburn asked Mr. Zuckerberg whether Meta's research had "ever found that its platforms and
 14 products can have a negative effect on children's and teens' mental health or well-being." The
 15 response failed to disclose its own studies demonstrating that the answer was yes. SAMC ¶ 593.

16 35. Despite these issues being discussed at length, in 2021, Mr. Zuckerberg dismissed yet
 17 another Meta employee's direct request for additional investment on well-being initiatives. Given
 18 widespread concern "about the impact of [Meta's] products on young people's mental health," the
 19 employee recommended that Meta invest on the product side to facilitate "changes and innovations
 20 at the pace required to be responsive to policymaker concerns." In subsequent emails, Chief Product
 21 Officer Chris Cox stated that it was "very low-likelihood that Mark [Zuckerberg] chooses to fund
 22 more here." Mr. Zuckerberg did not reply, even after another executive re-circulated the email thread,
 23 noting: "Mark (for what it's worth) this is my #1 'below the line' project to fund on Social Impact."
 24 AG ¶¶ 621-23, 627, and 629.

25 36. In August 2021, Mr. Zuckerberg was personally warned that Meta was "not on track
 26 to succeed for [its] core well-being topics (problematic use, bullying & harassment, connections, and
 27 SSI), and [is] at increased regulatory risk and external criticism. These affect everyone, especially Youth
 28 and Creators; if not addressed these will follow us into the Metaverse . . ." SAMC ¶ 183.

1 37. In September 2021, former Meta employee Frances Haugen made front-page news
 2 and global headlines when the Wall Street Journal began publishing her leaked documents revealing
 3 Meta's research that Instagram worsened teen girls' eating disorders, body image, and mental health
 4 outcomes. SAMC ¶¶ 217-19.

5 38. Mr. Zuckerberg published a response on Facebook on October 5, 2021: "We care
 6 deeply about issues like safety, well-being and mental health. It's difficult to see coverage that
 7 misrepresents our work and our motives." He continued, "At the heart of these accusations is this
 8 idea that we prioritize profit over safety and well-being. That's just not true." He claimed that "it's very
 9 important to me that everything we build is safe and good for kids... when it comes to young people's
 10 health or well-being, every negative experience matters . . ."⁴¹

11 39. The facts alleged above describe Mr. Zuckerberg's participation in the tortious
 12 conduct alleged against Meta in Counts 8 and 9 of the Second Amended Master Complaint.

13 40. Mr. Zuckerberg knows that Meta's platforms optimize for maximizing time spent on
 14 the platform because it is how he has approached the project from day one. Optimizing usage has
 15 long been Mr. Zuckerberg's—and thus Meta's—north star, as evidenced in his imposing lockdowns
 16 to accelerate development of features that would drive engagement. Mr. Zuckerberg values innovation
 17 focused on engagement and went to great lengths to ensure well-staffed teams could work around the
 18 clock on features to keep users on the platforms.

19 41. On the other hand, proposed initiatives to address safety and mental health issues
 20 languished in email limbo or were rejected. In at least one case, after a Vice President completed
 21 months of work on a filter ban proposal in collaboration with multiple teams and external experts,
 22 Mr. Zuckerberg interjected himself and ultimately vetoed the consensus. By directing Meta's work in
 23 this way—even after learning about "problematic use" (a.k.a. social media addiction) and negative
 24 mental health effects caused by the platforms—Mr. Zuckerberg facilitated the harms endured by the
 25 Plaintiffs.

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⁴¹ Mark Zuckerberg, Facebook (October 5, 2021), <https://www.facebook.com/zuck/posts/10113961365418581>.

1 42. While systematically supporting work focused on growth and ignoring or withdrawing
 2 resources from work related to teen mental health and well-being, Mr. Zuckerberg concealed Meta's
 3 true motivations and the harms that those motivations wrought by publicly touting Meta's
 4 commitment to user safety.

5 43. Moreover, by setting specific goals to increase teen (and overall) time spent on the
 6 platforms, Mr. Zuckerberg inspired and guided employees to develop app features that hooked young
 7 users. Though as a young entrepreneur Mr. Zuckerberg spoke clearly about time spent on the platform
 8 as a key metric, his public statements on Meta's design philosophy increasingly omitted that truth.

9 44. Moreover, Mr. Zuckerberg's decision-making and communications to staff created a
 10 corporate culture characterized by fear of dissent and a lack of transparency. In 2010, After
 11 TechCrunch reported on Meta developing a new smartphone, Mr. Zuckerberg emailed employees
 12 declaring the leak an "act of betrayal" and calling on the leaker to resign, stating that employees who
 13 "believe that it's ever appropriate to leak internal information" should leave.⁴² This culture persisted—
 14 ten years later, an outgoing software engineer explained in an "ask me anything" session that "many
 15 employees feel that if they whistleblow, dissent, give feedback to unethical decisions, etc, then they
 16 are at risk for being fired. We can fix that by giving people the safety to speak up when they see
 17 something wrong going on." SAMC ¶ 381. This not only prevented internal action on harms posed
 18 by Meta's products, but also likely prevented the truth from coming out sooner.

19 45. In sum, Mr. Zuckerberg knew that internal and external research demonstrated that
 20 Meta's products posed mental health and well-being risks to minors. His enormous power at Meta
 21 positioned him to take swift action to prevent harm to minors, including directing employees to place
 22 warnings on the platforms that would reach young users and their parents. Instead, Mr. Zuckerberg
 23 repeatedly rejected employee requests to resource initiatives that could address the issue in-house and
 24 directed or, at a minimum, inspired Meta not to disclose material information about the harm caused

26 42 *Please Resign': Facebook Boss Mark Zuckerberg's Decade-Old Email, Firing an*
 27 *Employee on Spot Is Going Viral on Social Media*, Econ. Times (Mar. 22, 2023),
 28 <https://economictimes.indiatimes.com/magazines/panache/please-resign-facebook-boss-mark-zuckerbergs-decade-old-email-firing-an-employee-on-spot-is-going-viral-on-social-media/articleshow/98914944.cms?from=mdr>.

1 by Facebook and Instagram, and made misleading public statements regarding the impact of Meta's
 2 products on young users' mental health.

3 46. By virtue of Mr. Zuckerberg's own acts and omissions described above, he is
 4 personally liable for Meta's commission of the torts alleged in Counts 8 and 9 of the SAMC.

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Respectfully submitted,

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